

REMARKS

Claims 1-42 are pending in this application. Applicants note with appreciation the allowance of claims 30 and 31. By this amendment, claims 1, 20, and 22 have been amended to correct typographical errors.

I. Rejections Under §103:

The Office Action rejected independent claims 1, 11, 23, 32, 38, and 39 under 35 U.S.C. 103(a) as being unpatentable over Lennon et al. ('373) in view of Payne ('587). The Office Action states that Lennon et al. shows a standard ferrule connection and Payne teaches a visual indication mark that is imperceptible when proper connection at a joint is achieved. The Office Action concludes that it would have been obvious to combine the teachings of Lennon et al. and Payne to teach the claimed invention. For the following reasons, Applicants respectfully disagree.

Lennon shows a suitable threaded ferrule type connection, but does not include an intrinsic gauging mechanism; however, Payne is a push-to-connect type fitting. As such, the same mechanics are not used to determine proper pull-up. Typically, a push-to-connect fitting is either connected or not connected, whereas a threaded coupling is connected based on a number of turns. If the assembled initial position were nothing more than a positive stop, as in the case of the Payne reference, there would be no need to gauge the fitting. The Payne device is assembled to a position such that the terminal edge 11 is in substantial abutment to the shoulder 6 (col. 3, lines 40-44).

This acts as a positive stop during assembly. Providing a positive stop at the initial position as in Payne provides no suggestion or motivation to modify Lennon to have the presently claimed intrinsic gauging feature. The combination of the teachings of Lennon and Payne would only suggest providing Lennon with a positive stop, which is inconsistent with the operation of the threaded fitting of Lennon. As such, the combination of Lennon and Payne does not disclose or teach the claimed invention, and therefore claims 1, 11, 23, 32, 38, and 39 are patentable over these references. Further, claims 2-10, 12-20, 22, 24-29, 33-37, and 40-42 are

also patentable over the above cited references, as they are all dependant claims based on independent claims 1, 11, 23, 32, 38, and 39.

II. Double Patenting Rejections:

The Office Action rejected claims 1-20, 22-29, and 32-40 under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of U.S. Patent No. 6,279,242, claims 1-20 of U.S. Patent No. 6,502,323, claims 1-31 of U.S. Patent No. 6,640, 457, and claims 1-23 of U.S. Patent No. 6,766,582. Applicants have submitted an appropriate terminal disclaimer with this Response.

Applicants believe that this application is now in condition for allowance. Any questions regarding this application can be addressed to the undersigned.

Respectfully submitted,

Dated: 3/1/06



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